	Application No.	Applicant(s)
Notice of Allowability	09/648,532	EMODI ET AL.
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS..** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the response filed 8/31/07 an dhte Examiner's Amendment included herewith.*

2. ☒ The allowed claim(s) is/are *1,6-28,57,58,61 and 82-102.*

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *20071121* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

Prosecution History Summary

Claims 2-5, 29-56, 59-60, and 62-81 have been canceled.

Claims 1, 6-28, 57-58, 61, and 82-102 are pending and allowable for at least the reasons below.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Dan Williams on 11/20/2007.

The application has been amended as follows:

In the Title

The Title has been amended to read as follows:

-- Methods and systems for storing predetermined multimedia information--

In the Claims

1. (currently amended): An apparatus for storing predetermined multimedia information, comprising:

at least a first telephony platform ~~which receives~~ configured to receive [[a]] at least one multimedia command from a user's access device and ~~generates~~ generate a menu containing criteria options relating to at least one of a music track and a video track so that the user can make a selection; and

a first storage location coupled to said at least said first telephony platform, wherein said first storage location stores at least a part of said predetermined multimedia information, said predetermined multimedia information corresponding to said at least one of a music track and a video track; and

said first telephony platform ~~has~~ is configured to have said predetermined multimedia information downloaded to an email address or a computer network address; and

a second storage location coupled to said at least said first telephony platform;

said first storage location and said second storage location store said at least said part of said predetermined multimedia information; wherein,

a first multimedia portion of said predetermined multimedia information is stored in said first storage location and a second multimedia portion of said predetermined multimedia information is stored in said second storage location,

said at least said first telephony platform is configured to selectively reproduce ~~reproduces~~

one of said first multimedia portion and said second multimedia portion as a selected multimedia

portion based on said at least one multimedia command,

said at least said first telephony platform is configured to output ~~outputs~~ said selected

multimedia portion to said access device,

said predetermined multimedia information comprises at least one of music information and

video information,

said predetermined multimedia information comprises a first music track group,

said first multimedia portion contains a first music track of said first music track group and

said second multimedia portion contains a second music track of said first music track group,

said first storage location comprises a first mailbox and said second storage location

comprises a second mailbox,

said at least one multimedia command comprises a plurality of menu navigation inputs,

said menu navigation inputs correspond to responses to said musical criteria options, and

said at least said first telephony platform is configured to determine ~~determines~~ that said user

desires to access said first music track stored in said first mailbox based on said menu navigation

inputs.

82. (Currently Amended): An apparatus for storing predetermined multimedia information,

comprising:

at least a first telephony platform which receives configured to receive [[a]] at least one

multimedia command from a user's access device and generates generate a menu containing criteria

options relating to at least one of a music track and a video track so that the user can make a

selection;

a first storage location coupled to said at least said first telephony platform, wherein said first

storage location stores at least a part of said predetermined multimedia information, said

predetermined multimedia information corresponding to said at least one of a music track and a video

track;

said first telephony platform has is configured to have said predetermined multimedia

information downloaded to an email address or a computer network address; and

a second storage location coupled to said at least said first telephony platform,

wherein, said first storage location and said second storage location store said at least said part of

said predetermined multimedia information,

a first multimedia portion of said predetermined multimedia information is stored in said first

storage location and a second multimedia portion of said predetermined multimedia information is

stored in said second storage location,

said at least said first telephony platform is configured to selectively reproduce reproduces

one of said first multimedia portion and said second multimedia portion as a selected multimedia

portion based on said at least one multimedia command,

said at least said first telephony platform is configured to output ~~outputs~~ said selected multimedia portion to said access device,

said predetermined multimedia information comprises at least one of music information and video information,

said predetermined multimedia information comprises a first music track group,

said first multimedia portion contains a first music track of said first music track group and said second multimedia portion contains a second music track of said first music track group,

said at least one multimedia command comprises a save command, and

said first music track corresponds to said selected multimedia portion, wherein, after selecting said first music track, said user saves first data corresponding to said first music track in a user memory portion coupled to said at least said first telephony platform by inputting said save command, and

wherein said user memory portion is assigned to said user.

89. (Currently Amended): An apparatus for storing predetermined multimedia information,

comprising:

at least a first telephony platform which receives configured to receive [[a]] at least one

multimedia command from a user's access device and generates generate a menu containing criteria

options relating to at least one of a music track and a video track so that the user can make a

selection;

a first storage location coupled to said at least said first telephony platform, wherein said first

storage location stores at least a part of said predetermined multimedia information, said

predetermined multimedia information corresponding to said at least one of a music track and a video

track;

said first telephony platform has is configured to have said predetermined multimedia

information downloaded to an email address or a computer network address; and

a second storage location coupled to said at least said first telephony platform,

wherein, said first storage location and said second storage location store said at least said part of

said predetermined multimedia information,

a first multimedia portion of said predetermined multimedia information is stored in said first

storage location and a second multimedia portion of said predetermined multimedia information is

stored in said second storage location,

said at least said first telephony platform is configured to selectively reproduce reproduces

one of said first multimedia portion and said second multimedia portion as a selected multimedia

portion based on said at least one multimedia command,

wherein said at least said first telephony platform is configured to output ~~outputs~~ said

selected multimedia portion to said access device,

said at least one multimedia command comprises a forwarding command, and

said at least said first telephony platform forwards said selected multimedia portion to a

second access device of a second user in response to said forwarding command.

91. (Currently Amended): An apparatus for storing predetermined multimedia information,

comprising:

at least a first telephony platform which receives configured to receive [[a]] at least one

multimedia command from a user's access device and generates generate a menu containing criteria

options relating to at least one of a music track and a video track so that the user can make a

selection;

a first storage location coupled to said at least said first telephony platform, wherein said first

storage location stores at least a part of said predetermined multimedia information, said

predetermined multimedia information corresponding to said at least one of a music track and a video

track;

said first telephony platform has is configured to have said predetermined multimedia

information downloaded to an email address or a computer network address; and

a second storage location coupled to said at least said first telephony platform,

wherein, said first storage location and said second storage location store said at least said part of

said predetermined multimedia information,

a first multimedia portion of said predetermined multimedia information is stored in said first

storage location and a second multimedia portion of said predetermined multimedia information is

stored in said second storage location,

said at least said first telephony platform is configured to selectively reproduce reproduces

one of said first multimedia portion and said second multimedia portion as a selected multimedia

portion based on said at least one multimedia command,

said at least said first telephony platform is configured to output ~~outputs~~ said selected multimedia portion to said access device,

said at least one multimedia command comprises a forwarding command, and

said at least said first telephony platform forwards said selected multimedia portion to a storage location corresponding to a second access device of a second user in response to said forwarding command.

93. (Currently Amended): An apparatus for storing predetermined multimedia information,

comprising:

at least a first telephony platform ~~which receives~~ configured to receive [[a]] at least one

multimedia command from a user's access device and ~~generates~~ generate a menu containing criteria

options relating to at least one of a music track and a video track so that the user can make a

selection;

a first storage location coupled to said at least said first telephony platform, wherein said first

storage location stores at least a part of said predetermined multimedia information, said

predetermined multimedia information corresponding to said at least one of a music track and a video

track;

said first telephony platform ~~has~~ is configured to have said predetermined multimedia

information downloaded to an email address or a computer network address; and

a second storage location coupled to said at least said first telephony platform,

wherein, said first storage location and said second storage location store said at least said part of

said predetermined multimedia information,

a first multimedia portion of said predetermined multimedia information is stored in said first

storage location and a second multimedia portion of said predetermined multimedia information is

stored in said second storage location,

said at least said first telephony platform is configured to selectively reproduce ~~reproduces~~

one of said first multimedia portion and said second multimedia portion as a selected multimedia

portion based on said at least one multimedia command,

said at least said first telephony platform is configured to output ~~outputs~~ said selected multimedia portion to said access device,

said at least one multimedia access command comprises a multiple user session command, and

said at least said first telephony platform connects said access device of said user with access devices of other users who are interested in topics relating to said selected multimedia portion so that said user and said other users can communicate in a multiple user session.

96. (Currently Amended): A method of accessing stored predetermined multimedia information,

comprising:

providing at least a first telephony platform, <u>a first storage location, and a second storage</u>

<u>location, said first storage location and said second storage location coupled to said at least said first</u>

<u>telephony platform, wherein</u>

<u>said first storage location and said second storage location store at least said part of said</u>

<u>predetermined multimedia information, said predetermined multimedia information corresponding to</u>

<u>at least one of a music track and a video track, and further wherein</u>

<u>a first multimedia portion of said predetermined multimedia information is stored in said first</u>

<u>storage location and a second multimedia portion of said multimedia information is stored in said</u>

<u>second storage location;</u>

~~and a first storage location coupled to said at least said first telephony platform;~~

~~storing a music track or video track in said first storage location coupled to said at least said~~

~~first telephony platform;~~

~~receiving at least one command from a user's access device;~~

generating a menu containing criteria options relating to at least one of said music track or

video track so that the user makes a selection; and

receiving <u>the selection identified by</u> at least one command from ~~a~~ the user's access device;

<u>selectively reproducing one of said first multimedia portion and said second multimedia</u>

<u>portion as a selected multimedia portion based on said at least one command;</u>

downloading said at least one of said music track or video track that corresponds to the selection made by the user to an email address or computer network address,

wherein said at least one command <u>further</u> comprises a save command, and said method further comprises,

after making said selection, saving first data corresponding to said at least one of a music track or video track in a user memory portion coupled to said at least said first telephony platform by inputting said save command,

wherein said user memory portion is assigned to said user.

98. (Currently Amended): A method of accessing stored predetermined multimedia information,

comprising:

providing at least a first telephony platform, a first storage location, and a second storage

location, said first storage location and said second storage location coupled to said at least said first

telephony platform, wherein

said first storage location and said second storage location store at least said part of said

predetermined multimedia information, said predetermined multimedia information corresponding to

at least one of a music track and a video track, and further wherein

a first multimedia portion of said predetermined multimedia information is stored in said first

storage location and a second multimedia portion of said multimedia information is stored in said

second storage location;

and a first storage location coupled to said at least said first telephony platform;

storing a music track or video track in said first storage location coupled to said at least said

first telephony platform;

receiving at least one command from a user's access device;

generating a menu containing criteria options relating to at least one of said music track or

video track so that the user makes a selection; and

receiving the selection identified by at least one command from a the user's access device;

selectively reproducing one of said first multimedia portion and said second multimedia

portion as a selected multimedia portion based on said at least one command;

downloading said at least one of said music track or video track that corresponds to the

selection made by the user to an email address or computer network address,

wherein said at least one command comprises a forwarding command, and said method

further comprises,

forwarding said at least one of a music track or video track corresponding to said

selection to a second access device of a second user in response to said forwarding command.

100. (Currently Amended): A method of accessing stored predetermined multimedia information,

comprising:

providing at least a first telephony platform, a first storage location, and a second storage

location, said first storage location and said second storage location coupled to said at least said first

telephony platform, wherein

said first storage location and said second storage location store at least said part of said

predetermined multimedia information, said predetermined multimedia information corresponding to

at least one of a music track and a video track, and further wherein

a first multimedia portion of said predetermined multimedia information is stored in said first

storage location and a second multimedia portion of said multimedia information is stored in said

second storage location;

~~and a first storage location coupled to said at least said first telephony platform;~~

~~storing a music track or video track in said first storage location coupled to said at least said~~

~~first telephony platform;~~

~~receiving at least one command from a user's access device;~~

generating a menu containing criteria options relating to at least one of said music track or

video track so that the user makes a selection; and

receiving the selection identified by at least one command from ~~a~~ the user's access device;

selectively reproducing one of said first multimedia portion and said second multimedia

portion as a selected multimedia portion based on said at least one command;

downloading said at least one of said music track or video track that corresponds to the

selection made by the user to an email address or computer network address,

wherein said at least one command comprises a multiple user session command, and

wherein said method further comprises:

connecting said access device of said user with access devices of other users who are

interested in topics relating to said at least one of said music track or video track so that said user

and said other users can communicate in a multiple user session.

ALLOWABLE SUBJECT MATTER

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art. The allowable features are as follows:

Regarding claim 1, the evidence at hand fails to teach or render obvious "said first storage location comprises a first mailbox and said second storage location comprises a second mailbox, said at least one multimedia command comprises a plurality of menu navigation inputs, said menu navigation inputs correspond to responses to said musical criteria options, and said at least said first telephony platform is configured to determine that said user desires to access said first music track stored in said first mailbox based on said menu navigation inputs".

Regarding claim 82, the evidence at hand fails to teach or render obvious said at least one multimedia command comprises a save command, and said first music track corresponds to said selected multimedia portion, wherein, after selecting said first music track, said user saves first data corresponding to said first music track in a user memory portion coupled to said at least said first telephony platform by inputting said save command, and wherein said user memory portion is assigned to said user.

Regarding claim 89, the evidence at hand fails to teach or render obvious said at least one multimedia command comprises a forwarding command, and said at least said first telephony platform forwards said selected multimedia portion to a second access device of a second user in response to said forwarding command.

Regarding claim 91, the evidence at hand fails to teach or render obvious said at least one multimedia command comprises a forwarding command, and said at least said first telephony platform forwards said selected multimedia portion to a storage location corresponding to a second access device of a second user in response to said forwarding command.

Regarding claim 93, the evidence at hand fails to teach or render obvious said at least one multimedia access command comprises a multiple user session command, and said at least said first telephony platform connects said access device of said user with access devices of other users who are interested in topics relating to said selected multimedia portion so that said user and said other users can communicate in a multiple user session.

Regarding claim 96, the evidence at hand fails to teach or render obvious wherein said at least one command _further_ comprises a save command, and said method further comprises, after making said selection, saving first data corresponding to said at least one of a music track or video track in a user memory portion coupled to said at least said first telephony platform by inputting said save command, wherein said user memory portion is assigned to said user.

Regarding claim 98, the evidence at hand fails to teach or render obvious wherein said at least one command comprises a forwarding command, and said method further comprises, forwarding said at least one of a music track or video track corresponding to said selection to a second access device of a second user in response to said forwarding command.

Regarding claim 100, the evidence at hand fails to teach or render obvious wherein said at least one command comprises a multiple user session command, and wherein said method further comprises: connecting said access device of said user with access devices of other users who are interested in topics relating to said at least one of said music track or video track so that said user and said other users can communicate in a multiple user session.

The most felicitous prior art of record is Berman (US 6502194), which teaches an in-home playback unit including a user interface for retrieval of audio material from network servers. The playback unit communicates over a network, such as the Internet, to request digital audio material from one or more audio material servers according to user inputs. Music tracks can be selected through the menu by artist, genre, disc name, or the like. Subsequently, the playback unit sends the user-requested song title information to the DUL server and the DUL server returns the network address for the requested song.

Of important note from the action mailed 5/10/2007 are the comments provided at the bottom of page 6 regarding the interpretation of a first and second storage location. The Examiner noted that each file stored on the one or more audio material servers is stored in its own location on the server(s); thereby, the server(s) act to provide a first location, a second location, and so on. Each song (i.e. a first song of an album represents a first portion of the album, artist, etc., a second song a second portion, and so on) stored on the server(s) further has a specific URL or address, which represents the location of the specific song on the server(s). In other words, a first song with a first address or URL represents a portion of the album, artist' work, etc. stored on the server on a specific location of the server. In view of the above amendments, this interpretation is fallacious as it does not take into account the nature of distinct storage locations (i.e. separate mailbox locations are distinct from virtual storage locations maintained on a single server or device). With the above interpretation in mind, it becomes clear that Berman, either alone or in combination with the evidence at hand, is deficient in teaching the above noted features of each independent claim.

In addition to the above, the Examiner emphasizes the interrelation of the above

distinguishing elements with the remainder of each respective claim, and further notes that it is

that interrelation that truly distinguishes Applicant's invention from the evidence at hand. It is

hereby asserted by the Examiner that, in light of the above and in further deliberation over all of

the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate

the claims and does not render obvious any further modification of the references to a person of

ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

The additional prior art below is made of record is considered pertinent to applicant's disclosure but fails to teach or render obvious the above noted limitations:

Us Patents and PG-Pubs

- US 5918213 discloses a system and method for automated remote previewing and purchasing of music, video, software, and other multimedia products

- US 20020156691 discloses the distribution of music and other entertainment content

- US 20030004833 discloses a method for vending electronic entertainment media such as music, movies, and the like

Non-Patent Literature

- PTO form 892 reference U teaches a multimedia site which facilitates live chat areas, online listening parties, and the like. PTO 892 U, however, does not remedy the deficiencies of the noted prior art

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
November 21, 2007
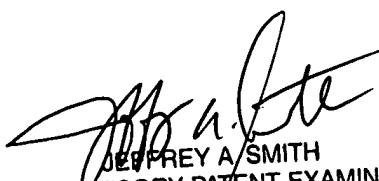
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